

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



**Application No. 16513 of Lenora Moragne**, pursuant to 11 DCMR 3103.2, for a variance from the provisions of Section 2101 to waive the parking requirements to accommodate a boarding house for five residents in an R-4 District at premises 2225 Flagler Place, NW (Square 3122, Lot 70).<sup>1</sup>

**HEARING DATES:** November 10, 1999 and January 19, 2000  
**DECISION DATE:** January 19, 2000

**SUMMARY ORDER**

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission (ANC) 5C, and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 5C. ANC 5C, which is automatically a party to this application, did not submit a written statement on the application. As such, the Board could not give "great weight" to the ANC.

The Board received many letters in opposition to the application, including correspondences from the ANC Commissioner who represents the area where the site is located (5C04). Ninety-three residents in opposition to the application signed a petition. In addition, residents in opposition to the application testified at the public hearing. The residents opposing the application indicated that parking on Flagler Place, and in the general vicinity of the site, has become exceptionally difficult over the past several years. Approving the application would only exacerbate the parking problem in the neighborhood. The site does not meet the standard for granting the application. The applicant's inability to provide off-street parking is shared by abutting and nearby property owners. Granting the application would not be in keeping with the requirements of the Zoning Regulations for the R-4 District.

The Board considered the views of residents who opposed the application. However, the Board ascertained that in the R-4 District, a boarding or rooming house is permitted, as a matter of right, provided the requirements of Subsection 330.6 are met. The Board determined that parking is required for five or more rooming units; therefore, no parking

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<sup>1</sup> The application was advertised to indicate that the premise address is 2228 Flagler Place, NW; however, the correct address of the premises is 2225 Flagler Place, NW.

is required for four and fewer rooms. (Two on-site parking spaces are required because the applicant is proposing to accommodate five boarders.) The applicant stated, and the Board concurred, that the site is located in close proximity to Howard University. As such, some of the boarders are students at the University and do not have an automobile. In addition, the Board finds that a practical difficulty does exist at the site; that granting the application would not adversely affect the use of neighboring properties; and, granting the application would not impair the intent, purpose, and integrity of the Zoning Regulations and Map.

As directed by 11 DCMR 3119.2, the Board required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 2101. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations, and the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED**.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

**VOTE:**        **3-0**     (Robert Sockwell, Sheila Cross Reid and Kwasi Holman to approve.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

ATTESTED BY: 

JERRILY R. KRESS, FAIA  
Director

FINAL DATE OF ORDER: MAR - 8 2000

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3125.9, "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

**BAB/1.27.00**

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**BZA APPLICATION NO. 16513**

As Director of the Office of Zoning, I hereby certify and attest that on MAR - 8 2000 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Lenora Moragne  
607 Fourth Street, SW  
Washington, DC 20024

James D. Berry, Jr., Chairperson  
Advisory Neighborhood Commission 5C  
680 Rhode Island Avenue, NE  
Washington, DC 20002

ATTESTED BY:

  
JERRILY R. KRESS, FAIA  
Director